



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101-3140

JAN 22 2016

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

**NOTICE OF VIOLATION**

The Honorable Glenna McClure  
Mayor of Riggins  
City of Riggins WWTP  
1210 North Street  
Riggins, Idaho 83549

Re: September 16, 2015, NPDES Compliance Inspection  
NPDES Permit Number ID-002093-1

Dear Mayor McClure:

On August 16, 2012, the U.S. Environmental Protection Agency (EPA) re-issued a National Pollutant Discharge Elimination System (NPDES) permit to the City of Riggins, Idaho (City) wastewater treatment facility (Facility), NPDES Permit Number ID-002093-1 (Permit). The purpose of this letter is to notify you of violations EPA discovered after reviewing our administrative files including the Discharge Monitoring Reports (DMRs) submitted by the City, and in response to the September 16, 2015 inspection of the Facility conducted by the Idaho Department of Environmental Quality (IDEQ) on behalf of EPA. The purpose of this inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES permit. I would like to express my appreciation for your staff's time and cooperation during the inspection.

**REVIEW OF ADMINISTRATIVE FILES**

1. EPA reviewed the DMRs from April 2010 to September 2015 and identified effluent limitation exceedances that constitute 69 violations of the CWA, 33 U.S.C. § 1251 *et seq.* A list of these violations is enclosed (Enclosure A).
2. Part II.A of the Permit specifies that in addition to the requirements specified in Part IV.E. of this Permit (Proper Operation and Maintenance), within 180 days after the effective date of this Permit, the permittee must provide written notice to EPA and IDEQ that an operation and maintenance plan for the current wastewater treatment facility has been developed and implemented. The plan shall be retained on site and made available on request to EPA and IDEQ. Any changes occurring in the operation of the plant shall be reflected within the Operation and Maintenance plan.

During an IDEQ and EPA file review, it was identified that neither agency had received a written notice. These are violations of Part II.A of the Permit.

3. Part II.B of the Permit specifies that the permittee must develop and implement a quality assurance plan (QAP) for all monitoring required by this Permit. The permittee must submit written notice to EPA and IDEQ that the QAP has been developed and implemented within 90 days of the effective date of the final Permit. Any existing QAPs may be modified for compliance with this section.

During an IDEQ and EPA file review, it was identified that neither agency had received a written notice. These are violations of Part II.B of the Permit.

4. Part II.D.2 of the Permit specifies that the permittee must submit written notice to EPA and IDEQ that the Emergency Response and Public Notification Plan has been developed and implemented within 180 days after the effective date of this Permit. Any existing emergency response and public notification plan may be modified for compliance with this section.

During an IDEQ and EPA file review, it was identified that neither agency had received a written notice. These are violations of Part II.D.2 of the Permit.

5. Part III.B and V.E of the Permit specifies that the permittee must summarize monitoring results each month on the DMR and sign and certify that the DMRs are true, accurate and complete. The permittee must submit the legible originals of these documents to the Director, Office of Compliance and Enforcement with copies to IDEQ.

During EPA review of DMR data from April 2010 to September 2015, it was identified that the City had not submitted complete DMRs. There were 68 violations of Part III.B of the Permit. A list of these violations is enclosed (Enclosure B). In addition, during an IDEQ file review the City had failed to submit DMRs to IDEQ. These are violations of Part III.B and V.E of the Permit. Also, on December 21, 2015, the NPDES Electronic Reporting Rule will become effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR, additional information is enclosed (Enclosure C).

6. Part III.B.1 of the permit specifies that monitoring data must be submitted using the DMR form (EPA No. 3320-1) or equivalent and must be postmarked by the 10th day of the month following the completed reporting period.

During EPA review of DMR data from April 2010 to September 2015, it was identified that the City submitted the April 2011 and June 2011 DMRs late. These are violations of Part III.B.1 of the Permit.

#### **SEPTEMBER 2015 INSPECTION**

1. Part I.C of the Permit specifies that the permittee must conduct surface water monitoring in each calendar quarter of the year. Surface water monitoring must start 90 days after the effective date of the permit and continue until 12 quarterly samples have been collected, analyzed, and reported.

At the time of the inspection, the inspector reviewed the DMRs and noted that the City had not conducted all 12 quarters of surface water monitoring. These are violations of Part I.C of the Permit.

2. Part II.D of the Permit specifies that the permittee must develop and implement an overflow emergency response and public notification plan that identifies measures to protect public health

from overflows that may endanger health and unanticipated bypasses or upsets that exceed any effluent limitation in the final permit. At a minimum the plan must include mechanisms to:

- a) Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control and unanticipated bypass or upset that exceed any effluent limitation in the permit;
- b) Ensure appropriate responses including assurance that reports of an overflow or of an unanticipated bypass or upset that exceed any effluent limitation in the permit are immediately dispatched to appropriate personnel for investigation and response;
- c) Ensure immediate notification to the public, health agencies, and other affected public entities (including public water systems). The overflow response plan must identify the public health and other officials who will receive immediate notification;
- d) Ensure that appropriate personnel are aware of and follow the plan and are appropriately trained; and
- e) Provide for continued operation during emergencies.

At the time of the inspection, the inspector noted that the Plan did not contain all information required in Part II.D a-e. These are violations of Part II.D of the Permit.

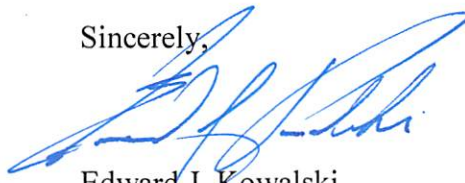
- 3. Part III.F of the Permit specifies that the permittee must retain records of all monitoring information, including, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of DMRs, a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application. This period may be extended by request of EPA or IDEQ at any time.

At the time of the inspection, the inspector noted that the City did not retain the notices submitted to IDEQ and EPA in relation to their QAP, O&M Plan and their Emergency Response and Public Notification Plan. These are violations of Part III.F of the Permit.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure D). If you have any questions concerning this matter, please do not hesitate to contact Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski  
Director

Enclosures

cc: Stephen Berry  
IDEQ Compliance, Inspection, Enforcement Lead

John Cardwell  
IDEQ, Lewiston Regional Office

Jason Weresley  
City of Riggins WWTP Contract Operator